

NOT FOR PUBLICATION

(Doc. No. 56)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

UNITED STATES OF AMERICA	:	
	:	
	:	
	:	Crim. No. 08-190 (RBK)
	:	
v.	:	ORDER
	:	
LAMONT RIDLEY,	:	
	:	
Defendant.	:	
	:	

THIS MATTER having come before the Court on the motion of Lamont Ridley (“Defendant”) to consider, review, and take urgent action due to a classification placed on Defendant by the Federal Bureau of Prisons based on Defendant’s Presentence Investigation Report (“PSIR”), and the Court having considered Defendant’s brief; and

THE COURT OBSERVING that Defendant is not challenging his conviction or sentence; only the classification imposed on him by the Federal Bureau of Prisons as a “serious violent offender” as a result of his PSIR; and

THE COURT FURTHER OBSERVING that Rule 32 of the Federal Rules of Criminal Procedure, which governs presentence investigations, does not itself provide for a post-sentence motion to correct a PSIR, United States v. Angiulo, 57 F.3d 38, 41 (1st Cir. 1995); Fed. R. Crim. P. 32; and

THE COURT FUTHER OBSERVING that this Court lacks jurisdiction to provide relief because sentencing courts do not retain jurisdiction thereunder to entertain challenges to a PSIR after final judgment. United States v. Ballard, 512 F. App’x 152, 153 (3d Cir. 2013);

IT IS HEREBY ORDERED that Defendant's motion is **DENIED** without prejudice to Defendant's ability to file a habeas petition in the district of his confinement, after exhausting any administrative remedies within the Bureau of Prisons that may be available to him, see Ballard, 512 F. App'x at 153.

Dated: 6/5/2014

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge